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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,925	02/04/2002	Charles J. Truan	60,261-049	4351
27305	7590	03/16/2004	EXAMINER	
HOWARD & HOWARD ATTORNEYS, P.C. THE PINEHURST OFFICE CENTER, SUITE #101 39400 WOODWARD AVENUE BLOOMFIELD HILLS, MI 48304-5151			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/066,925	TRUAN ET AL.	
	Examiner	Art Unit	
	Shay L Balsis	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-25 and 27-35 is/are rejected.
- 7) ☒ Claim(s) 9-12, 18-24 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/9/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 18-24 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1-7. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 15, 17-21, 25, 28 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Von Schalscha (USPN 5775013).

Von Schalscha teaches an attachment for a bucket comprising a metal housing (20), a metal utility tool (21) supported by the housing and a mounting bracket (54) connected to the housing. There is a mounting arm (44) having a first end and a second end, wherein the first end is connected to the bracket. A quick release (50) connector is mounted to the second end of the arm for securing the housing to the bucket. There is a biasing device (52) disposed on the quick-release connector for urging the quick release connector into engagement with the bucket. There is a support extending from the arm that has a support hole and the mounting arm has an arm hole. The support hole and the arm hole are co-linear (48). The quick release comprises a pin

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that is inserted in to the co-linear holes for engaging the bucket. Additionally, the biasing device is a spring that engages the pin and the mounting arm to keep the two parts biased together. The mounting bracket further includes attachment points (86, figure 8) for allowing the mounting arm to attach to the housing such that the mounting arm can accommodate buckets of different dimensions.

4. Claims 1, 13, 15, 17-18, 30 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall (USPN 5918389).

Hall teaches an attachment for a bucket comprising a metal housing (66), a metal utility tool (62) supported by the housing and a mounting bracket (76, 80) connected to the housing. There is a mounting arm (90,92) having a first end and a second end, wherein the first end is connected to the bracket. A quick release (86) connector is mounted to the second end of the arm for securing the housing to the bucket. There is a biasing device (82) disposed on the quick-release connector for urging the quick release connector into engagement with the bucket. Additionally, there is a step (64) extending from the housing.

5. Claims 1, 13, 15, 17-18, 30 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Webb et al. (USPN 5253449).

Webb teaches an attachment for a bucket comprising a metal housing (60), a metal utility tool (42) supported by the housing and a mounting bracket (64) connected to the housing. There is a mounting arm (72, 74) having a first end and a second end, wherein the first end is connected to the bracket. A quick release (80, 82) connector is mounted to the second end of the arm for securing the housing to the bucket. There is a biasing device (84b, c) disposed on the quick-

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release connector for urging the quick release connector into engagement with the bucket.

Additionally, there is a step extending from the housing.

6. Claims 1, 13, 15, 17-18, 27, 30 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Plourde (USPN 5273375).

Plourde teaches an attachment for a bucket comprising a metal housing (60), a metal utility tool (34) supported by the housing and a mounting bracket (48) connected to the housing. There is a mounting arm (22) having a first end and a second end, wherein the first end is connected to the bracket. A quick release (52) connector is mounted to the second end of the arm for securing the housing to the bucket. The threads on the quick release connector act as a biasing device for urging the quick release connector into engagement with the bucket.

Additionally, there is a step extending from the housing.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7, 15, 17, 18-24, 27-29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al. (USPN 6457268) in view of Hahka (USPN 6193261).

Perry et al. teaches a bucket attachment comprising a housing (36), a metal tool (66) supported by the metal housing, at least one mounting bracket (46) connected to the housing and at least one mounting arm (first embodiment 40, second embodiment 100) having a first and second end wherein the first end is connected to the bracket. Perry's mounting arm is connected

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to the bucket by means of nuts and bolts. In the second embodiment (figure 5) the mounting arms comprises a Z-shape. Perry teaches all the essential elements of the claimed invention however fails to teach a quick release mechanism with a biasing member to remove the tool from the bucket. Hahka teaches a quick release hitch pin comprising a biasing member (34). The quick release connector further includes a support (42), which would extend from the mounting arm. The support and the mounting arms have holes therein that are co-linear. The connector further comprises a pin (28) that extends through the holes. The biasing member urges the pin through the holes. Additionally, there is a stop (50) that is rotatable between a locked position and an unlocked position. The stop includes a flat portion (54) and a leg portion (50). There is a handle (18), which rotates the stop between the locked and unlocked positions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hahka's quick release mechanism in place of Perry's nut and bolt connection so as to allow the hitch or utility tool to be disconnected quickly from the bucket. Additionally, it provides a secure lock assembly with using any separate tools such as a wrench.

9. Claims 1-8, 15, 17, 18-25, 27-29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Schalscha (USPN 5775013) in view of Hahka (USPN 6193261).

Von Schalscha teaches all the essential elements of the claimed invention however fail to teach a quick release mechanism with a support extending from the mounting arms having a support hole and the mounting arm having an arm hole, wherein the holes are co-linear. Hahka teaches a quick release hitch pin comprising a biasing member (34). The quick release connector further includes a support (42), which would extend from the mounting arm. The support and the mounting arms have holes therein that are co-linear. The connector further comprises a pin

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(28) that extends through the holes. The biasing member urges the pin through the holes.

Additionally, there is a stop (50) that is rotatable between a locked position and an unlocked position. The stop includes a flat portion (54) and a leg portion (50). There is a handle (18), which rotates the stop between the locked and unlocked positions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hahka's quick release mechanism in place of Von Schalscha's quick release connection so as to allow the hitch or utility tool to be disconnected quickly from the bucket without having any loose parts such as the biasing member (52) on Von Schalscha. To modify Von Schalscha's invention the quick release mechanism as taught by Hahka would replace the pin (85) of Von Schalscha and fit into the existing arm hole.

10. Claims 1-7, 14, 16-24 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (USPN 5621940) in view of Hahka.

Lewis teaches a vehicle mounted push broom comprising a housing (2), a mounting bracket (3) and mounting arms connected to the mounting bracket. The housing comprises C-shaped channels (4) for receiving a brush section (7). The brush sections include a T-section (5) securing a plurality of bristles such that the T-section engages the C-shaped channel. The bristles are comprised of a plastic polypropylene material. Lewis teaches that the broom may be attached to a bucket (figure 6) however it is attached by means of chains and hooks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a quick release connection with a biasing member such as the one taught by Hahka, since it would allow for fast removal of the broom from the bucket with minimal amount of loose parts such as excess chains.

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11. Claims 1, 13-18 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (USPN 5621940) in view of Hall.

Lewis teaches a vehicle mounted push broom comprising a housing (2), a mounting bracket (3) and mounting arms connected to the mounting bracket. The housing comprises C-shaped channels (4) for receiving a brush section (7). The brush sections include a T-section (5) securing a plurality of bristles such that the T-section engages the C-shaped channel. The bristles are comprised of a plastic polypropylene material. Lewis teaches that the broom may be attached to a bucket (figure 6) however it is attached by means of chains and hooks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a quick release connection with a biasing member such as the one taught by Hall. Hall teaches using chains and hooks also however Hall adds a tightening lever to ensure a tight fit between the bucket and the tool, eliminating any give or looseness.

12. Claims 1, 13-18 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (USPN 5621940) in view of Webb et al..

Lewis teaches a vehicle mounted push broom comprising a housing (2), a mounting bracket (3) and mounting arms connected to the mounting bracket. The housing comprises C-shaped channels (4) for receiving a brush section (7). The brush sections include a T-section (5) securing a plurality of bristles such that the T-section engages the C-shaped channel. The bristles are comprised of a plastic polypropylene material. Lewis teaches that the broom may be attached to a bucket (figure 6) however it is attached by means of chains and hooks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a quick release connection with a biasing member such as the one taught by Webb, since Webb's

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quick release allow for a tight fit on buckets of all sizes, while minimizing the number of loose parts such as excess chains.

13. Claims 1, 13-18 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (USPN 5621940) in view of Plourde

Lewis teaches a vehicle mounted push broom comprising a housing (2), a mounting bracket (3) and mounting arms connected to the mounting bracket. The housing comprises C-shaped channels (4) for receiving a brush section (7). The brush sections include a T-section (5) securing a plurality of bristles such that the T-section engages the C-shaped channel. The bristles are comprised of a plastic polypropylene material. Lewis teaches that the broom may be attached to a bucket (figure 6) however it is attached by means of chains and hooks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a quick release connection with a biasing member such as the one taught by Plourde, since it allows for quick removal and minimal amount of loose parts such as excess chains.

14. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Schalscha, Hall, Webb, Plourde, Lewis and Perry in view of Hahka.

Von Schalscha, Hall, Webb, Plourde, Lewis and Perry in view of Hahka all disclose the claimed invention except for that the housing is made from plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the housing out of plastic, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

15. Claims 9-12 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter:

Claims 9 and 26 include the limitation that there is a spreader bar extending between the mounting arms such that the spreader bar is extendable for allowing the mounting arms to engage the different attachment points of the mounting brackets. Plourde teaches a trench paving device comprising a spreader bar to allow the tool to be adjustable to different sizes. While Plourde teaches a spreader bar, the reference fails to teach attachment points that would allow the mounting arms to attach to the housing in other places to accommodate buckets of different dimensions. Nor does Plourde teach a quick release connector comprising a support having a hole that extends from the arm, which also has a hole and wherein the holes are co-linear. The other references used all fail to teach or suggest a spreader bar. Therefore it would not have been obvious to combine references to achieve the claimed invention since the modification that would be necessary would destroy the original invention.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
3/3/04

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